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**Examiner:** D.A. Davis                    **Group:** 1641

**Date:** April 28, 2005

**Client Code:** 1440.1038-003

**Facsimile No.:** 703-872-9306

**From:** Carol A. Egner, Esq.

**Subject:** Paper: REQUEST FOR WITHDRAWAL OF DEFECTIVE OFFICE ACTION AND INTERVIEW SUMMARY

**Docket No.:** 1440.1038-003

**Applicants:** Mustapha Abdelouahed and John W. Lawler

**Serial No.:** 10/084,832

**Filing Date:** February 27, 2002

Number of pages including this cover sheet: 3Please confirm receipt of facsimile: Yes X No       **Comments:**

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 April 28, 2005

PATENT APPLICATION  
 Attorney's Docket No.: 1440.1038-003

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Mustapha Abdelouahed and John W. Lawler

Application No.: 10/084,832 Group: 1641

Filed: February 27, 2002 Examiner: D.A. Davis

Confirmation No.: 5718

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on	
<u>April 28, 2005</u>	<u>Beverly Weinberger</u>
Date	Signature
<u>Beverly Weinberger</u>	
Typed or printed name of person signing certificate	

REQUEST FOR WITHDRAWAL OF DEFECTIVE OFFICE ACTION  
AND INTERVIEW SUMMARY

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Appellants have received a nonfinal Office Action with a mailing date of 29 March 2005. This Office Action follows the filing of a Brief on Appeal, mailed to the U.S. Patent and Trademark Office, with a one-month extension, on 27 September 2004. Page 3 of the Office Action includes a form paragraph explaining that prosecution has been reopened. The form paragraph refers to 37 C.F.R. § 1.193(b)(2), which was deleted as of 13 September 2004.

Appellants request that the Office Action of 29 March 2005 be withdrawn. See MPEP § 710.06 regarding a request for withdrawal of a defective Office Action. Appellants request that the proper authority for the reopening of prosecution be cited, or that the Examiner take further action under 37 C.F.R. § 41.39, which describes the Examiner's Answer to the Appeal Brief.

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### INTERVIEW SUMMARY

On 7 March 2005, Examiner Davis called Appellants' Attorney, Carol Egner, to report that after review by two supervisory patent examiners, prosecution was being reopened. No proposals of claim amendments were made.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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Dated: April 28, 2005